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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 JOWELL FINLEY,

12 Plaintiff,

13 vs.

14 A. DE LA TRINIDAD et al.,

15 Defendants.
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CASE NO. 11-CV-2318 JLS (PCL)

**ORDER: (1) ADOPTING REPORT
AND RECOMMENDATION;
(2) GRANTING DEFENDANTS'
MOTION TO DISMISS**

(ECF Nos. 8, 18)

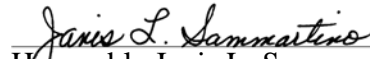
17 Presently before the Court are Defendants' motion to dismiss (ECF No. 8) and Magistrate
18 Judge Lewis's report and recommendation, which advises that the Court grant Defendants' motion
19 (ECF No. 18).

20 Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district court's
21 duties in connection with a magistrate judge's report and recommendation. The district court must
22 "make a de novo determination of those portions of the report to which objection is made," and
23 "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the
24 magistrate judge." 28 U.S.C. § 636(b)(1); *see also United States v. Raddatz*, 447 U.S. 667, 673–76
25 (1980); *United States v. Remsing*, 874 F.2d 614, 617 (9th Cir. 1989). However, in the absence of
26 timely objection, the Court "need only satisfy itself that there is no clear error on the face of the
27 record in order to accept the recommendation." Fed. R. Civ. P. 72 advisory committee's note
28 (citing *Campbell v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974)).

1 Here, Plaintiff has failed to timely file objections to Magistrate Judge Lewis's report and
2 recommendation. Having reviewed the report and recommendation, the Court finds that it is
3 thorough, well reasoned, and contains no clear error. Accordingly, the Court hereby (1) **ADOPTS**
4 Magistrate Judge Lewis's report and recommendation, (2) **GRANTS** Defendants' motion to
5 dismiss. All of Plaintiff's claims against Defendants Gonzalez and Chavez, as well as Plaintiff's
6 negligence claim against Defendant Diaz, are dismissed without prejudice.

7 **IT IS SO ORDERED.**

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9 DATED: May 11, 2012

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11 Honorable Janis L. Sammartino
12 United States District Judge
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